

(Open court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 15th day of January, 2001

CORAM : Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 16/2001

O.P. Pandey

S/O Late R.B. Pandey,

Resident of 120/311, Lajpat Nagar, Kanpur

present holding the post of Chargeman Grade-II,

Field Gun Factory, Kalpi Road, Kanpur

.....Applicant

Counsel for the applicant: Shri N.K. Nair
Shri M.K. Upadhyay

V E R S U S

1. Union of India through the
Secretary, Ministry of Defence, Department
of Defence Production, Government of India,
New Delhi
2. Chairman, Ordnance Factory Board/
Director General of Ordnance Factories,
10-A, Shasheed Khudi Ram Bose Road,
Calcutta-1
3. The General Manager, Field Gun Factory,
Kalpi Road, Kanpur
4. Shri K.L. Sapra, Presently holding the post
of General Manager, Field Gun Factory,
Kalpi Road, Kanpur
5. Shri R.K. Dhingra, Presently employed
as Works Manager, Ordnance Factory,
Aravankadu (Tamil Nadu)

.... Respondents

Counsel for the Respondents :

O R D E R (Open Court)

(Order by Hon'ble Mr. S. Dayal, Member (A))

In this case applicant has been filed for direction
to the Respondents to supply documents listed in his
application dated 9.12.1999 and 18.12.1999, in order
to enable the applicant to submit his written statement
of Defence against allegations contained in the Memorandum
of Charges.

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The applicant has stated that he is working as Chargeman in Field Guna Factory, Kalpi Road, Kanpur. The applicant alleges that the documents relied upon by the Respondents have not been supplied to him in order to enable him to prepare his defence properly.

We have heard the Learned Counsel for the applicant. We find that in Charge sheet dated 27.11.1999 listed only 4 documents by which the charge sheet has been framed against the applicant. These are statement dated 11.8.1999 of Shri Sukh Karan Singh and statement dated 11.8.1999 of Shri Ashok Kumar and 2 statements of the applicant himself taken on the same day. The applicant has in his application dated 9.12.1999 and 18.12.1999 has prayed for a number of documents including the Statement of Sukh Karan Singh and Shri Ashok Kumar.

He has even sought for the statements of persons who were not listed as witnesses who are Shri N.K.David, Shri K.L.Sipra, Shri P.R.Mandal. Besides in application dated 9.12.1999 he has asked for other documents which are not listed as relied upon documents. Learned Counsel for the applicant when questioned about this and other documents prays that ^{only the} complaint of Shri Sukh Karan Singh and Shri Ashok Kumar who had allegedly been asked or demanded for bribe may be furnished to him.

Learned Counsel for the applicant has relied upon the judgement of Appex Court in Deepak Puri Vrs.State of Harayana and others (Supreme Court 2000 (L & S) page 906) in which under special circumstances the Appex Court had indicated an Appeal at the inter-locutory stage of the departmental proceedings.

(3) (O.A.16/2001)

We find the fact of the case is similar and direct the Respondents to supply the copies of complaint of Shri Sukh Karan Singh and Shri Ashok Kumar and/or statement of if any relied upon by the Respondents in framing the charge sheet against the applicant *before proceeding ahead with the enquiry.*

The application is disposed of with the above direction to the Respondents.

Rafiquddin

JM

AS
AM

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